



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,227	12/29/2000	Neal C. Oliver	P 273229 P10149	6607

27496 7590 07/08/2004

PILLSBURY WINTHROP LLP  
725 S. FIGUEROA STREET  
SUITE 2800  
LOS ANGELES, CA 90017

EXAMINER

JACKSON, JENISE E

ART UNIT	PAPER NUMBER
----------	--------------

2131

DATE MAILED: 07/08/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/750,227

**Applicant(s)**

OLIVER ET AL.

**Examiner**

Jenise E Jackson

**Art Unit**

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/12/04</u> | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-47 are rejected under 35 U.S.C. 102(e) as being anticipated by

Khidekel(6,636,975).

3. As per claim 1, Khidekel discloses a method of providing authentication services to a first user regarding a second user(see col. 3, lines 44-46, 50-58), requesting a certificate corresponding to the second user from an authentication server(see col. 3, lines 50-58); returning the certificate corresponding to the second user(see col. 2, lines 53-60); requesting authentication of the certificate corresponding to the second user from a control program associated with the second user; returning an authentication certificate from the control program associated with the second user(see col. 3, lines 50-58); and verifying authentication by comparing the authentication certificate corresponding to the second user and received from the control program associated with the second user with the certificate received from the authentication server(see col. 5, lines 3-50).

4. As per claim 2, Khidekel discloses wherein the first user communicates with the second user through a media gateway(see col. 3, lines 45-48).

Art Unit: 2131

5. As per claim 3, Khidekel discloses monitoring the communication between the first user and the second user so that the authentication server may notify the first user if the second user changes or becomes untrustworthy(see col. 5, lines 37-67, col. 6, lines 1-23).

6. As per claim 4, Khidekel discloses wherein the requesting of the certificate corresponding to the second user from the authentication server, requesting authentication of the certificate corresponding to the second user and the verifying authentication is performed by a control program associated with the first user(see col. 2, lines 40-47).

7. As per claim 5, Khidekel discloses wherein the first and second users are using client devices configured to communicate with each other and with the authentication server(see col. 2, lines 27-47).

8. As per claim 6, Khidekel discloses wherein the client devices are smart phones(see col. 4, lines 47-56).

9. As per claim 7, Khidekel discloses wherein the authentication server has authenticated an organization and the second user is a member of the authenticated organization(see col. 5, lines 36-50).

10. As per claim 8, Khidekel discloses wherein verifying authentication determines a level of trust between the first user, the authentication server and the second user(see col. 2, lines 9-21).

11. As per claim 9, Khidekel discloses wherein the level of trust is a value corresponding to the probability that the authentication certificate corresponding to the second user and received from the control program associated with the second user is the same as the certificate received from the authentication server(see col. 5, lines 3-26).

Art Unit: 2131

12. As per claim 10, Khidekel discloses wherein the authentication certificate corresponding to the second user and received from the control program associated with the second user includes a portion indicating the second user's identity(see col. 6, lines 42-63).

13. As per claim 11, Khidekel discloses an authentication server configured to provide an authentication certificate to a user of a first client device for authentication(see col. 3, lines 44-46, 50-58),the first and second client devices being configured to communicate with each other and the authentication server, each of the first and second client devices including a user control program configured to communicate data to and from the authentication server(see col. 2, lines 53-60); and a media gateway coupled to the authentication server and enabling communication of media data from the first and second client devices to the authentication server(see col. 3, lines 50-58); wherein the user control program of the first client device is configured to receive a certificate corresponding to the user of the second client device and the authentication certificate from the authentication server being configured to authenticate the user of the second client device by comparing the certificate corresponding to the second client device and the authentication certificate(see col. 5, lines 3-50).

14. As per claim 12, Khidekel et al. discloses wherein the authentication server is configured to monitor the communication between the first user and the second user(see col. 4, lines 26-33).

15. As per claim 13, limitations already been addressed(see claim 3).

16. As per claim 14, Khidekel et al. discloses wherein the control program associated with the first user is configured to request the certificate corresponding to the second user from the authentication server, request authentication of the certificate corresponding to the second user and verify authentication(see col. 5, lines 3-50).

Art Unit: 2131

17. As per claim 15, limitations already been addressed(see claim 5).
18. As per claim 16, limitations already been addressed(see claim 6).
19. As per claims 17, 37, limitations already been addressed(see claim 7).
20. As per claim 18, limitations already been addressed(claim 8).
21. As per claim 19, limitations already been addressed(see claim 9).
22. As per claim 20, limitations already been addressed(see claim 10).
23. As per claim 21, Khidekel et al. discloses receiving biometric user input; receiving reference biometric user input that has been authenticated by an authentication server(see col. 4, lines 16-25, 63-67), comparing the biometric user input with the reference biometric user input; determining a probability based upon the comparison between the biometric user input and the reference biometric user input; and authenticating an end user based upon the determined probability(see col. 3, lines 23-40, col. 4, lines 3-25).
24. As per claims 22, 32, limitations have already been addressed(see claim 2).
25. As per claims 23, 33, limitations have already been addressed(see claim 3).
26. As per claims 24, 34, limitations have already been addressed(see claim 4).
27. As per claims 25, 35, limitations have already been addressed(see claim 5).
28. As per claims 26, 30, 40, limitations have already been addressed(see claim 10).
29. As per claim 27, limitations have already been addressed(see claim 7).
30. As per claim 28, 38, limitations have already been addressed(see claim 8).
31. As per claim 29, 39, limitations have already been addressed(see claim 9).
32. As per claim 30, 40, limitations have already been addressed(see claim 10).
33. As per claim 31, 41, limitations have already been addressed(see claim 21).

Art Unit: 2131

34. As per claim 36, limitations have already been addressed(see claim 6).
35. As per claim 42, Khidekel et al. discloses wherein the media gateway is coupled to an authentication server(see col. 2, lines 40-47).
36. As per claim 43, Khidekel et al. discloses wherein the authentication application is a biometric service provider software(see col. 4, lines 16-25).
37. As per claim 44, Khidekel et al. discloses a dialog system configured to interact with an end-user to collect biometric information from the end-user(see col. 2, lines 40-47).
38. As per claim 45, Khidekel et al. discloses wherein the dialog system collects speech or voice data from the end-user and uses the speech or voice data as raw data for constructing a biometric identification record(see col. 4, lines 16-25).
39. As per claim 46, Khidekel et al. discloses wherein the biometric information collected from the end-user includes voice characteristics(see col. 4, lines 16-25).
40. As per claim 47, Khidekel et al. discloses wherein the end user control module is a smart phone(see col. 4, lines 47-56).

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (703) 306-0426. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2131

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
\*\*\*

  
EMMANUEL L. MOISE  
PRIMARY EXAMINER